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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BILLIE DOAN,

Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 2:22-cv-00084-JDP

**STIPULATION AND ~~PROPOSED~~
ORDER FOR AWARD OF ATTORNEYS
FEES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
2 attorneys, subject to the approval of the Court, that Billie Doan ("Plaintiff") be awarded attorney
3 fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412 (d), in the amount of
4 nineteen thousand and five hundred dollars (\$19,500.00), and zero dollars in (\$0) costs. This
5 amount represents compensation for legal services rendered on behalf of Plaintiff by counsel in
6 connection with this civil action, in accordance with 28 U.S.C. §2412 (d) and 28 U.S.C. §1920.

7 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider
8 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v.*
9 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
10 attorney fees are subject to any offset allowed under the United States Department of the
11 Treasury's Offset Program. After the Order for EAJA fees is entered, the government will
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
14 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
15 payment of fees approved to be made payable to Plaintiff's counsel, Legal Services of Northern
16 California, pursuant to the assignment executed by Plaintiff. Payments may be made by check.
17 Any and all payments made shall be delivered to Plaintiff's counsel.

18 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
19 attorney fees and does not constitute an admission of liability on the part of Defendant under
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
21 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
22 and expenses in connection with this action.

23 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
24 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

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Respectfully submitted,

Dated: December 4, 2023

By: /s/ Jennifer Anders-Gable
JENNIFER ANDERS-GABLE
Attorney(s) for Plaintiff

Dated: December 1, 2023

PHILLIP A. TALBERT
United States Attorney

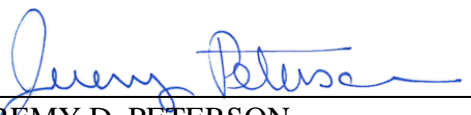
By: Andrea Banks*
ANDREA BANKS
(*Authorized by email dated 12/01/23)
Attorneys for Defendant

ORDER

IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of nineteen thousand and five hundred dollars (\$19,500.00), and zero dollars (\$0) in costs, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: December 5, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE